

Insights into Halacha

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Margarine, Misconceptions & Marit Ayin

The origin of good old fashioned (or bad old - depending if one is health conscious) ordinary margarine is surprisingly fascinating. In the 1860s France, with the rising popularity and cost of butter (due to the universal constant known as the law of supply and demand), Emperor (Louis) Napoleon III made a contest offering a considerable prize to anyone who could create a satisfactory substitute for butter. Additionally, the contest rules stipulated that this substitute must be inexpensive enough for the common man (apparently this French leader wanted to keep his head), as well as have been able to be mass produced for their Armed Forces. In 1869, chemist Hippolyte Mege-Mouries invented a substance he called "oleomargarine", now known worldwide as margarine, and won the substantial prize. Unfortunately for him, margarine never really took off in his lifetime, and after selling the patent in 1871, he died a pauper in 1880. However, as big a role the now- popular margarine plays in our daily lives, it interestingly plays a halachic role as well.

There is a remarkable Rabbinic enactment known as "Marit Ayin".

See Mishna in Sh'kalim (3:2) which bases it on the verse in Bamidbar 32:22 (Matot) VIH-YITEM N'KIYIM MEI-HASHEM U'MIYISRA'EL, "And you shall appear clean (sinless) before G-d and before (the people of) Israel." This isur is cited several times throughout the Talmud... Marit Ayin does not include worrying that someone might mistakenly think something permitted is prohibited; one need not concern himself with others' mistaken notions of what is prohibited or allowed, only actual halachic concerns. Although some commentators use the terms CHASHAD and MARIT AYIN interchangeably, see Shu"t Igros Moshe (O.C. 4, 82) who maintains that chashad is a Biblical prohibition while Marit Ayin is Rabbinic in nature, and explains the subtle differences between them.

The most basic definition of this law is the prohibition of taking actions which strictly speaking, are permitted according to halacha, but nevertheless give onlookers the impression that we are doing something halachically forbidden. In other words, although an observer has an obligation to judge others favorably (DAN L'CHAF Z'CHUT), nevertheless we still have an obligation not to do things that might raise an observer's suspicions. The expression might be

“looks can be deceiving”, but even so, one must make sure not to engage in questionable activities, or even questionable-looking ones.

One of the more famous applications of this rule applies to cooking (and/or eating) meat in (pareve) almond milk. Since this appears to an onlooker as cooking BASAR B'CHALAV, the forbidden mixture of meat and milk, it is therefore Rabbinically forbidden due to Marit Ayin. There is a solution, though, to place almonds down next to where the cooking/eating is being done, to show to all that there is no actual prohibition occurring.

Employing this logic, updated for modern times, would seem to imply that having a cold cut sandwich lathered with margarine might just be forbidden, due to Marit Ayin, as the margarine can easily be mistaken for butter! But if so, why is this not more widely known?

The answer lies with a silky situation. The Mishna rules that combining wool and silk does not violate the Biblical prohibition of shaatnez (wearing a mixture of wool and linen), yet is forbidden Rabbinically nonetheless due to Marit Ayin, as such garments could easily be mistaken for shaatnez. Still, several centuries later, the Rosh, and even later, the Shulchan Aruch, ruled that in their times this was no longer an issue, as silk had become so common that it

was easily recognizable, and no one would suspect a silk blend garment of being shaatnez. The Rama takes this ruling a step further and maintains that even a kanvas-blend garment, if it is commonplace, is also considered above suspicion; the Shach affirms that in his locale kanvas is common and therefore not-applicable to the law of Marit Ayin.

The renowned Kreisi U'Pleisi, Rav Yonason Eibeshutz, extrapolates and expands on this concept even further, applying it as a general halachic rule across the board: any time that the questionable object (or action) becomes commonplace, Marit Ayin no longer applies, as it will no longer arouse suspicion. The example he gives is if in a place where cooking in almond milk is the norm, then accordingly it would not be necessary to place almonds next to the pot, as the average onlooker would simply assume that one is cooking in pareve almond milk, and not real milk. Other later authorities, including the Maharsham, and Yad Yehuda, have echoed Rav Eibeshutz's ruling.

In fact, this basis for being lenient in cases of Marit Ayin has been widely accepted by contemporary authorities as well; the only issue being how common that item has to be in order to be entitled to this exemption. There was a famous dispute recorded around a hundred years ago between

the Pe'at HaSadeh and the Yigal Yaakov, regarding some novel egg-based desserts served at a wedding that looked remarkably dairy-like. Although both agreed with the Kreisi's approach, they disagreed as to whether such desserts were considered common enough in their day to negate the rule of Marit Ayin.

However, nowadays, with popular and familiar daily staples such as margarine, soy schnitzel, burgers, and hot dogs, non-dairy creamers, pareve ice creams and whipped desserts so commonplace, the vast majority of contemporary authorities assert that MEI'IKAR HADIN there no longer is a Marit Ayin issue with these products at all. Who would suspect a religious Jew of using dairy butter, milk or ice cream after eating meat, instead of assuming that the pareve alternative is being used? Although some maintain that it is still preferable to exercise caution and keep the container or wrapper on the table at the time of eating, nevertheless, they agree to this halachic principle. That is why many do not even think twice about "buttering" their sandwich with margarine or having pareve "ice cream", or coffee with non-dairy "milk", even at a fleishig (meaty) meal.

This is an excellent example of halacha's adaptability to a changing world. The rule remains the constant, but its practical application is

dependant on our great authorities' interpretation. So, to sum it up, although the creator of margarine never got to enjoy its questionable benefits, we at least can, both in the physical sense, as well as in the halachic sense.

Regarding the permissibility of taking a drink, using the restroom, or being part of a business meeting in a non-kosher restaurant nowadays, see Shu"t Igros Moshe (O.C. vol. 2, end 40 s.v. u'vadavar) and Shu"t Minchas Asher (vol. 1, 67).

For any questions, comments or for the full Mareh Mekomot & sources, please email the author: yspitz@ohr.edu

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Disclaimer: This is not a comprehensive guide, rather a brief summary to raise awareness of the issues. In any real case one should ask a competent Halachic authority.

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